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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,018	12/21/2000	Katsuyuki Matsumoto	001627	6673

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 09/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,018

Applicant(s)

MATSUMOTO ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Response to Amendment

1. This action is in response to request for re-consideration filed on 06/25/2003
2. Claims 1-5 has been considered but they are not persuasive.
3. Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wood U.S.

Patent no. 6,178,514.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood U.S. Patent No. 6,178,514.

6. As for claim 1, Wood shows a portable electronic device comprising a common serial bus connector provided with data terminals and a power supply terminal in compliance with a common serial bus standard (col. 9 lines 39-41) for connecting a plurality of peripheral devices in common to a host information processing device (col. 9 lines 31-36), a common serial bus controller for executing predetermined data communication processing attendant on data communication with an information processing device connected to the common serial bus connector (fig. 12 element 224), and a control circuit connected to the common serial bus controller for executing device operation processing for the usual operation of the electronic

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device (fig. 7 element 21), the electronic device being capable of receiving a power supply from the information processing device or an external power source as connected to the common serial bus connector or from an internal power source (col. 9 lines 47-49 and col. 10 lines 10-13), the portable electronic device being characterized in that the control circuit discriminates among the sources of supply of power and causes the common serial bus controller to execute the predetermined data communication processing while power is supplied from the information processing device connected to the common serial bus connector, or executes the usual device operation processing while power is supplied from the external power source connected to the common serial bus connector (col. 9 lines 39-59).

7. As for claim 2, Wood shows a portable electronic device according to claim 1 wherein the control circuit comprises discriminating means for judging which of the information processing device and the external power source is connected to the common serial bus connector (col. 29 lines 4-8), and control means for causing the common serial bus controller to execute the predetermined data communication processing when the connection of the information processing device to the common serial bus connector is recognized (col. 22 lines 62-67), or executes the usual device operation processing when the connection of the external power source to the common serial bus connector is recognized (col. 30 lines 7-8).

8. As for claim 3, Wood shows a portable electronic device according to claim 2 wherein the discriminating means identifies the source of supply of power based on the voltage value of the power supply terminal of the common serial bus connector (col. 28 lines 49-58).

9. As for claim 4, Wood shows a portable electronic device according to claim 2 wherein the discriminating means identifies the source of supply of power depending on whether the

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common serial bus controller has started data communication via the common serial bus connector (col. 28 lines 24-27).

As for claim 5, Wood shows a portable electronic device according to claim 2 wherein the control circuit further comprises means for detecting the connection of the information processing device or the external power source to the common serial bus connector based on the binary state of voltage level of the power supply terminal thereof, and the discriminating means identifies the source of supply of power according to the result of detection (col. 30 lines 7-18).

Response to Arguments

In the remark the applicant argues that cited reference fails to disclose:

I) “discriminates among the sources of supply of power and causes the common serial bus controller to execute the predetermined data communication processing while power is supplied from the information processing device connected to the common serial, bus connector, or executes the usual device operation processing while power is supplied from the external power source connected to the common serial bus connector” as recited in claim 1.

In response to applicant’s argument,

I) It was noted that prior art (Wood USPN 6,178,514) teaches (as in figure 3) and (column 9, lines 39-43, “there is shown a USB cable 28 connecting master USB hub 42 to a generic USB device 62. For ease of illustration connector 58 and 60 are not shown. Each cable 28 includes four wires. Two wires 66 and 68 carry power, respectively ground and Vcc.”). Therefore, it is clear that power is supplied from the information processing device (computer 12 of Wood) connected to the common serial bus connector. Thus, limitations are met by the reference.

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Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor, *Mr. Anil Khatri*, can be reached on (703) 305-0282.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

August 28, 2003



ANIL KHATRI
SUPERVISORY PATENT EXAMINER